

REGULAR MEETING AGENDA

MARCH 18, 2009

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL

PRAYER

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING
OF 2/11/09 AND THE REGULAR MEETING OF 3/4/09**

ITEMS NOT ADDRESSED ON THE AGENDA

PUBLIC COMMENT ON ANY PUBLIC MATTER

CHIEF EXECUTIVE'S REPORT

SECTION I PRESENTATION
COMMUNICATION NO. 09-161

Lee Phillips, Library Director, requesting time on the 3/18/09 agenda to present two stipends from Institute of Museum and Library Services and Montana State Library Commission for fiscal Years 2009-2010 and 2010-2011. Also asked for authorization for Chief Executive to sign agreement. **Recommendation: concur and place on file.**

SECTION II **PRESENTATION**
COMMUNICATION NO. 09-177

Lee Phillips, Library Director, requesting time on the 3/18/09 agenda to address the Committee on behalf of the Library Trustees

SECTION III CONSENT AGENDA

- A.**
1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

1. 09-156 Rob Macioroski, Director Land Office, requesting time on the 4/1/09 agenda to conduct a public hearing for proposals to develop the 1100 block of Caledonia St. **Recommendation: hold in Committee of the Whole and schedule public hearing for 4/1/09.**
2. 09-157 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
3. 09-158 Mike Rallis, Treasurer's Office, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
4. 09-159 Debra D. Williams, Justice Court, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
5. 09-160 Paul Babb, Chief Executive, requesting concurrence in reappointments of Doug Butori and Scott Haeffner to the Weed Board. **Recommendation: concur and place on file.**
6. 09-162 Dan Dennehy, Director of Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
7. 09-163 Bob Rowling, Parks and Recreation Director, requesting concurrence in filing an application for a beer/wine license for the Highland View Golf Course. **Recommendation: refer to the Committee of the Whole.**
8. 09-164 Ed Randall, Community Enrichment Program Coordinator, regarding update on abatement of BNSF Railway property and also Town Pump Corporation Property (Communication No. 08-793 in Suspense File) **Recommendation: note and attach to Communication No. 08-793 in the Suspense File**
9. 09-165 Karen Byrnes, Director URA, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
10. 09-166 John Moodry, Director Weed Department, requesting approval of line item budget transfers. **Recommendation: refer to**

Finance and Budget Committee.

11. 09-167 Shirley Willoughby, 953 South Rocker Road, expressing opposition to the Partnership Strategy. **Recommendation: note and place on file.**
12. 09-168 Karen Byrnes, Director URA, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
13. 09-169 Lee Phillips, Director BSB Public Library, requesting to declare stored shelves as surplus property and sell them to MoFab. **Recommendation: concur and place on file.**
14. 09-170 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
15. 09-171 Toby Day, County Extension Agent, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
16. 09-172 Dan Dennehy, Director of Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
17. 09-173 Dan Dennehy, Director of Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
18. 09-174 Kristen Reed, requesting approval to encroach over sidewalk at 128 W. Granite Street for projecting sign. **Recommendation: refer to Public Works Department.**
19. 09-175 Steve Hess, Assistant Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
20. 09-176 Geneta Bishop, LED, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
21. 09-178 John P. Walsh, Sheriff, requesting approval and authorization for Chief Executive to sign (CHRP) Cops Hiring Recovery Program Grant Submission. **Recommendation: concur and place on file.**

22. 09-179 Rick Larson, Director of Public Health, requesting authorization for Chief Executive to sign four contracts with the Butte-Silver Bow Health Department. **Recommendation: concur and place on file.**
23. 09-180 Don Kronenberger, Sr., Commissioner District 5, requesting time on the 3/25/09 agenda for a presentation by Jeff Draper on the Northwestern Energy proposed 500 kilovolt line through South Butte, Jefferson Valley, or North of Butte. **Recommendation: set presentation for 3/25/09.**
24. 09-182 Dan Dennehy, Public Works Department, requesting time on 3/25/09 agenda for a presentation of the road inventory plan for the Butte-Silver Bow Public Works Department. **Recommendation: set presentation for 3/25/09**
25. 09-183 Dan Dennehy, Public Works Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
26. 09-184 Kristen Rosa, TIFID Administrator, requesting time on the 4/1/09 agenda for a bid opening for the Seacast Facility Phase 3. **Recommendation: hold in Committee and schedule bid opening for 4/1/09.**
27. 09-185 Kristen Rosa, TIFID Administrator, requesting time on the 4/1/09 agenda for a presentation of the annual report of the TIFID. **Recommendation: hold in Committee of the Whole and schedule presentation for 4/1/09.**
28. 09-186 Kristen Rosa, TIFID Administrator, requesting authorization for Chief Executive to sign MOU between Bell-Mont Properties, Inc. and Butte-Silver Bow. **Recommendation: concur and place on file.**
29. 09-187 James Manning, Chairman, Greenway Service District, regarding notification of bid award for concrete culvert installation for the Silver Bow Creek Greenway Project. **Recommendation: concur and place on file.**
30. 09-188 Karen Byrnes, Community Development Department, requesting authorization for Chief Executive to enter into agreement with state of Montana Department of Commerce for Rocket testing for the Aero Tec Site. **Recommendation: concur and place on file.**

31. 09-189 Paul Babb, Chief Executive, requesting concurrence in appointment of Denise Kelly to the Historic Preservation Commission. **Recommendation: concur and place on file.**
32. 09-190 Paul Babb, Chief Executive, requesting concurrence in appointment of Ms. Franki Weitzel to the Zoning Board of Adjustments. **Recommendation: concur and place on file..**

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

1. 09-181 Don Kronenberger, Sr., Commissioner District 5, requesting time on the 3/18/09 agenda to make a motion for a roll call vote on letter clarifying the position of the Consolidated Government with regard to the Forest Service Revised Plan.

**SECTION V ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. 09-116

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-406, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF A BIG SKY ECONOMIC DEVELOPMENT TRUST FUND GRANT TO BE USED FOR THE COMPLETION OF UPGRADES TO THE MERDI DATA CENTER.

**SECTION VI ORDINANCES AND RESOLUTIONS –
FINAL READING**

1. COUNCIL RESOLUTION NO. 09-14

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE PETERSEN MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.

**COUNCIL BILL NO. 09-2
ORDINANCE NO. 09-2**

AN ORDINANCE AMENDING ORDINANCE NO. 178 AND TITLE 16, CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); AMENDING THE BUTTE-SILVER BOW SUBDIVISION REGULATIONS; AMENDING SECTION 10: DESIGN STANDARDS, B. LANDS UNSUITABLE FOR SUBDIVISION, F. BRIDGES AND CULVERTS, SUBSECTION 2, G. STREETS AND PRIVATE ROADS, SUBSECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 AND SECTION 11, REQUIRED IMPROVEMENTS, B. STREETS, SUBSECTION 4 STREET SURFACING, C. SIDEWALKS, SUBSECTION 1. AND SUBSECTION 5, H. TRAFFIC CONTROL DEVICES, SUBSECTION 2, K. FIRE PROTECTION, L. SPECIAL STANDARDS FOR SUBDIVISIONS PROPOSED IN AREA OF HIGH FIRE HAZARD, AND CREATION OF APPENDIX A, FIRE PROTECTION STANDARDS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII

Mar. 19	Zoning Board	5:00PM	Council Chambers
Mar. 25	Local Emergency Planning Committee	Noon	1 st Floor Conference Room
Mar. 25	Parking Commission	9:00PM	Chief Executive's Conference Room
Mar. 25	Port of Montana	Noon	Hub Center
Mar. 25	Urban Revitalization	9:00AM	1 st Floor Conference Room
Mar. 26	Business Development Center	10:00AM	Business Development Center
Mar. 26	Planning Board	7:00PM	Council Chambers
Apr. 1	Butte Aids Support Services	7:00PM	Community Center
Apr. 1	Fire Advisory Council	5:00PM	1 st Floor Conference Room
Apr. 1	Health Dept..	7:00AM	Health Department
Apr. 2	Civic Center	5:00PM	Civic Center Hospitality Room

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COMMITTEE OF THE WHOLE MEETING REPORT

MARCH 11, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole, respectfully recommend as follows:

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE APPLICATION FOR AND THE ALLOCATION OF THE JAG (JUSTICE ASSISTANCE GRANT) GRANT FUNDS FROM THE BUREAU OF JUSTICE ASSISTANCE. (Communication No. 09-136 held in Committee of the Whole) **Proof of publication.**

This public hearing has been published for 3/25/09. Hold for that date.

SECTION II COMMUNICATION NO. 08-722

Charlie O'Leary, Chairman Council of Commissioners, requesting examination of ownership documents for the Storm Lake Dam Site. ***Committee recommends that Communication No. 08-722 be held in abeyance.***

SECTION III COMMUNICATION NO. 08-801

Ellen Donohue, Attorney, Montana Legal Services Association, requesting Council renew the lease on the Jacobs House for six years. ***Committee recommends that Communication No. 08-801 be held in abeyance.***

SECTION IV COMMUNICATION NO. 09-84

Cindy McIlveen, Planning Specialist, requesting time on 2/11/09 agenda for staff presentation and approval on 2/18/09 for endorsement of comprehensive Parks Recreation Open Space and Trails Presentation. ***Committee recommends that Communication No. 09-84 be held in abeyance.***

COMMUNICATION NO. 09-106

Dori Skrukrud, Greenway Service District, requesting time on 3/4/09 agenda to conduct a bid opening for Silver Bow Creek Greenway construction. ***Committee recommends that Communication No. 09-106 be placed on file***

SECTION VI

COMMUNICATION NO. 09-120

Jeff Amerman, Director, Finance and Budget Department, requesting time on the 2/25/09 agenda to make a presentation on the new budget format. **Committee recommends that Communication No. 09-120 be placed on file.**

SECTION VII

COMMUNICATION NO. 09-128

Karen Byrnes, Community Development Director, requesting time on 3/4/09 agenda to conduct a public hearing regarding the addition of unanticipated revenue to the 2008-2009 budget. ***Committee recommends that Communication No. 09-128 be placed on file.***

SECTION VIII

COMMUNICATION 09-136

John P. Walsh, Sheriff, requesting approval to apply for Justice Assistance Grant through the U.S. Department of Justice, Bureau of Justice Assistance. *Committee recommends that Communication No. 09-136 be held for public hearing 3/25/09*

SECTION IX

COMMUNICATION NO. 09-140

Rick Larson, Health Officer, regarding the installation of a heating system at the Kelley Mine Block House to low bidder Lockmer Plumbing . *Committee recommends that Communication No. 09-140 be approved and placed on file.*

SECTION X

COMMUNICATION NO. 09-142

Karen Byrnes, Community Development Department Director, requesting authorization for Chief Executive to enter into Homeowner Deferred Repayment Assistance Agreement and Housing Rehabilitation Lien Agreement for 833 S. Main Street. ***Committee recommends approval and place on file.***

SECTION XI

COMMUNICATION NO. 09-147

Cindy McIlveen, Public Works Department, requesting concurrence to authorize the submission of project proposals to the State of Montana's 2009 Natural Resource Damage Program and to request time for public comment on proposed projects.
Committee recommends concurrence and place on file.

SECTION XII

COMMUNICATION NO. 09-149

John P. Walsh, Sheriff, requesting time on the 3/4/09 agenda for confirmation of Probationary Police Officer Kyle Barsness as permanent member of the Butte-Silver Bow

Law Enforcement Department. *Committee recommends that Communication No. 09-149 be placed on file.*

**FINANCE AND BUDGET COMMITTEE MEETING
REPORT
MARCH 11, 2009**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I

Karen Byrnes, Community Development Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-129 be approved and placed on file.*

SECTION II **COMMUNICATION NO. 09-145**

Dan Dennehy, Public Works Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-145 be approved and placed on file.*

SECTION III **COMMUNICATION NO. 09-146**

Ellen Crain, Archives Director, requesting approval of line item budget transfers.
Committee recommends that Communication No. 09-146 be approved and placed on file

SECTION IV

EXPENDITURE APPROVAL

3/11/09

\$314,478.29

Committee recommends approval of above expenditures.

JUDICIARY COMMITTEE MEETING REPORT

MARCH 11, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I

Patsy Coates, Delinquent Property Specialist, requesting time on 3/4/09 agenda to conduct a bid opening for Title and Lien Search for 2009 County Tax Deed Process. ***Committee recommends that Communication No. 09-93 be held in abeyance.***

SECTION II COUNCIL RESOLUTION NO. 09-14

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE PETERSEN MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 09-14 be moved to final reading.*

SECTION III

COUNCIL BILL NO. 09-2

ORDINANCE NO. 09-2

AN ORDINANCE AMENDING ORDINANCE NO. 178 AND TITLE 16, CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); AMENDING THE BUTTE-SILVER BOW SUBDIVISION REGULATIONS; AMENDING SECTION 10: DESIGN STANDARDS, B. LANDS UNSUITABLE FOR SUBDIVISION, F. BRIDGES AND CULVERTS, SUBSECTION 2, G. STREETS AND PRIVATE ROADS, SUBSECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 AND SECTION 11 REQUIRED IMPROVEMENTS, B. STREETS, SUBSECTION 4 STREET SURFACING, C. SIDEWALKS, SUBSECTION 1. AND SUBSECTION 5, H. TRAFFIC CONTROL DEVICES, SUBSECTION 2, K. FIRE PROTECTION, L. SPECIAL STANDARDS FOR SUBDIVISIONS PROPOSED IN AREA OF HIGH FIRE HAZARD, AND CREATION OF APPENDIX A, FIRE PROTECTION STANDARDS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING

FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 09-2, Ordinance No. 09-2 be moved to final reading.*

SECTION IV

CLAIM APPROVAL

7248	Humana Health Care Plans	\$141.75	Refund for Overpayment
7260	Chad Eriksson	400.00	Demo Bond Refund
7658	Ron Zeiler Construction	1,000.00	Street opening bond refund
7668	Daniel J. Turk	201.15	Property Tax Refund
8046	Fred Mongar	200.00	Demo Bond Refund

Committee approves all claims as presented, except claim #7658 to be held until further review.

PUBLIC WORKS COMMITTEE MEETING REPORT

MARCH 11, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I **PETITION NO. 09-1**

John Harrington, Building Official, requesting on behalf of Wheeler LLC, to close and vacate a portion of the alley within Block 1 of the Storey Addition and abutting the Spruce Lode Mining Claim. ***Committee recommends that Petition No. 09-1 be held in abeyance.***

SECTION II **PETITION NO. 09-2**

John Harrington, Building Official, requesting on behalf of Park Street Partnership, LLC, to close and vacate an alley within the Lizzie Lode and the Colorado Lode. ***Committee recommends that Petition No. 09-2 be held in abeyance.***

SECTION III

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. ***Committee recommends that Communication No. 08-738 be held in abeyance.***

SECTION IV COMMUNICATION NO. 09-127

Gene Whelchel, requesting changes in ordinances for water system regulations.
Committee recommends denial and place on file.

SECTION V COMMUNICATION NO. 09-151

J. Ray Haffey, President, Fairmont Homeowners Association, requesting replacement of Neighborhood Watch signs and also requesting yield or stop sign at the junction of High Country Drive and Shirley Way. ***Committee recommends that Communication No. 09-151 be held in abeyance.***

